

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PROTEX INDUSTRIAL (H.K.) LTD.,

Plaintiffs,

-against-

VINCE HOLDING CORP., VINCE
LLC, REBECCA TAYLOR INC., and
REBECCA TAYLOR RETAIL
STORES LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/4/2024

1:23-cv-1793 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of Plaintiff's December 14, 2023 letter seeking leave to file a Third Amended Complaint. [ECF No. 78.] Defendants Vince Holding Corp. and Vince LLC, through their counsel Kibler Fowler & Cave ("Kibler Fowler"), filed a letter opposing Plaintiff's request. [ECF No. 79.] For the reasons discussed below, Plaintiff's request is hereby GRANTED IN PART and DENIED IN PART.

IT IS HEREBY ORDERED that Plaintiff's request for leave to amend its complaint to include additional facts discovered since the filing of Defendants' Motion to Dismiss the Second Amended Complaint [ECF No. 63], **which relate to the causes of action currently asserted in** the Second Amended Complaint [ECF No. 60], is hereby GRANTED. Plaintiff's request for leave to amend its complaint to include **additional Causes of Action** against the collective defendants, however, is hereby DENIED. To the extent that Plaintiff believes it has additional causes of action, Plaintiff may be able to file a separate action.

IT IS FURTHER ORDERED that Plaintiff shall file and serve upon All Defendants its anticipated Third Amended Complaint, in accordance with the Court's rulings, on or before

January 18, 2024. **Plaintiff is on notice that the Court will not allow any further amendments without a clear showing of good cause under Rule 15.**

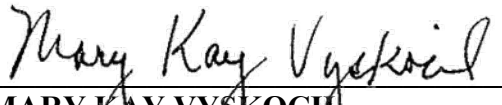
Accordingly, IT IS FURTHER ORDERED that Defendants' pending motion to dismiss Plaintiff's Second Amended Complaint is hereby DENIED as moot. Moreover, any contemplated motions for default judgment against Defendants Rebecca Taylor Inc. and Rebecca Taylor Retail Stores LLC ("the Rebecca Taylor Defendants") shall be held in abeyance until the anticipated Third Amended Complaint is served upon All Defendants, as Plaintiff intends to serve a new complaint on the allegedly defaulting Defendants. All Defendants shall respond to the Third Amended Complaint **within 21 days of service**.

Plaintiff further requests that former counsel for Defendants Rebecca Taylor Inc. and Rebecca Taylor Retail Stores LLC, Kibler Fowler, provide "an address to which legal service of documents filed in this case may be addressed and served on" the Rebecca Taylor Defendants going forward. In their opposition letter, Kibler Fowler appears to represent that the appropriate address and contact information for the Rebecca Taylor Defendants is the same address that Plaintiff used to effectuate service of the original complaint for these Defendants. [See ECF Nos. 1, 51, 52.] As such, IT IS FURTHER ORDERED that to the extent Plaintiff has a good faith basis to believe that Kibler Fowler is in possession of a different or more current address for the Rebecca Taylor Defendants, Plaintiff shall file a letter stating as much.

The Clerk of Court is respectfully requested to terminate Docket No. 63 as moot.

SO ORDERED.

Date: January 4, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge